

Appln. No. 10/620,887

Attorney Docket No. 10541-1858

II. Remarks

Claims 1-10 of the present application are rejected and pending. By this Paper, the Applicants amend claims 1 and 8. No new matter has been added. Reconsideration and a withdrawal of all rejections are respectfully requested.

Rejections Under 35 U.S.C. § 112

Responsive to the rejections of claims 1 and 8 under 35 U.S.C. § 112, second paragraph, the Applicants have amended claim 1 to add "in the form of Fe_2O_3 " (see paragraph [003], lines 9-11 of the application as filed). The Applicants have also amended claim 8 by deleting the words "for the use".

Rejections Under 35 U.S.C. § 101

Responsive to the rejection of claim 8 under 35 U.S.C. § 101, the Applicants have amended claim 8 by deleting the words "for the use".

Rejections Under 35 U.S.C. § 103(a)**Rejections Under *Shelestak***

Responsive to the rejections of claims 1-5 and 7-10 under 35 U.S.C. § 103(a) based on U.S. Patent No. 6,313,053 issued to Shelestak (hereinafter "*Shelestak*"), *Shelestak* does not teach or suggest ranges of components that overlap claims 1 and 8 as amended.

For example, the amended claim 1 now recites a colorant portion consisting essentially of "greater than about 0.1 to about 0.3 weight percent manganese oxide"; contrarily, *Shelestak* only teaches the addition of "0 to about 0.1 percent by weight" of manganese oxide as colorant (see *Shelestak* col. 13, line 63; see also col. 15, line 13). *Shelestak* does not teach having greater than about 0.1 weight percent of manganese oxide as a colorant (see e.g., col. 6, lines 14-28 of *Shelestak*). Therefore, *Shelestak* simply does not teach or suggest all the elements of the amended claims 1 and 8.

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Claims 2-7, and 9-10 are dependent claims which depend generally from claim 1. Thus, claims 2-7, and 9-10 are allowable for the reasons provided above.

Rejections Under *Shelestak* in view of *Boulos*

Responsive to the rejections of claim 6 under 35 U.S.C. § 103(a) based on *Shelestak* in view of U.S. Patent No. 5,725,628 Issued to Boulos et al. (hereinafter "*Boulos*"), the combined arts do not teach or suggest all the elements of claim 6 as amended. For example, *Boulos* teaches the addition of "0.01-2.0 wt. %" manganese dioxide to prevent "the formation of **nickel sulfide stones** in soda-lime-silica glass" (emphasis added; Abstract; see also col. 2, lines 8-18 of *Boulos*). There is simply no suggestion or motivation to combine the teachings of *Boulos* with the teachings of *Shelestak* because there is no mention or suggestion of nickel sulfide formation in *Shelestak*.

Even if *Shelestak* would combine the teachings of *Boulos*, there is no motivation or suggestion by the combined arts to use "between about 0.14 and 0.2 weight percent" of manganese oxide as recited in claim 6 of the present application. This is because *Shelestak* only discloses and teaches the addition of "0 to about 10 ppm" of NiO (see col. 11, line 62; see also col. 14, line 1); and according to *Boulos* (see col. 7, lines 5-6), this would only require the addition of at least 0 to about 14 ppm of MnO₂ to prevent formation of nickel sulfide stones. Since *Shelestak* already teaches the addition of "0 to about 0.1 percent [1000 ppm] by weight" of MnO₂ (col. 13, line 6), the required MnO₂ as taught by *Boulos* is more than satisfied. As a result, there is no motivation or suggestion by the combined arts to use "between about 0.14 and 0.2 weight percent" of manganese oxide as recited in claim 6 of the present application.

Further, the purpose of adding the manganese compound in the present invention is to suppress **iron sulfide** formation which would give rise to amber chromophore (see paragraph [0012] and [0013] of the present application as filed).

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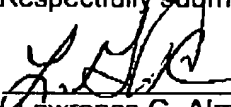
Conclusion

In view of the above remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record. Thus, claims 1-10 are in a condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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Date



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